

AMENDMENT

Please cancel claims 10-12, 14, 69 and 70.

Please amend claims 24, 25 and 71 as follows:

Sub C2
24. (amended) A substantially [Substantially] pure E5-1 protein, functional fragment or variant thereof, or a mutein thereof.

B1
25. (twice amended) The protein of claim 24 comprising the amino acid [Sequence] sequence defined in SEQ ID NO: 138, or a functionally conserved variant thereof.

B2 Sub C3
71. (twice amended) The protein of [Substantially pure protein as in] claim 24, wherein said protein [comprises mutant E-5 protein] is an E5-1 mutein or a functionally conservative variant thereof.

Please add the following new claims:

Sub C4
B3
--73. The protein of claim 25 comprising the amino/acid sequence defined in SEQ ID NO: 138.

74. The protein of claim 71, wherein said E5-1 mutein or functional variant has an amino acid substitution at position 141 or position 239 of SEQ ID NO: 138.

75. The protein of claim 74 which has Ile residue at said position 141.

76. The protein of claim 73 which has a Val residue at said position 239.--

RESPONSE

The Examiner has required restriction under 35 U.S.C. §121 amongst two groups of claims: claims 10-12, 14, 69 and 70 (Group I), drawn to an isolated nucleic acid coding for an E5-1 protein, and an isolated nucleic acid sequence complementary to one coding for E5-1 protein, classified in class 536, subclass 23.5; claims 24, 25, 71, and 72, drawn to an isolated E5-1 protein, classified in class 530, subclass 350.

Applicants hereby provisionally elect *with traverse* the claims of **Group II**, namely, **claims 24, 25, 71, and 72**. Applicants also request that the non-elected claims, namely claims 10-12, 14, 69 and 70, be canceled without prejudice to further prosecution in a related application.

Applicants further request that claims 24, 25, and 71 be amended and new claims 73-76 be added and examined with the elected claims of Group II. These new claims, which depend from the elected claims, fall within the scope of Group II as they are drawn to the elected proteins of the invention. As they are dependent upon the elected claims, and as they are drawn to the same invention, applicants submit that no separate search is required for the examination of these claims, and that their examination along with the claims of Group II is appropriate.

SUMMARY

Claims 10-12, 14, 24, 25, and 69-72 were pending in the application. Claims 24, 25, 71, and 72 are elected for prosecution in the instant application, and claims 10-12, 14, 69, and 70 are canceled by the present amendment. Claims 24, 25, and 71 have been amended. Claims 73-76 have been added by the present amendment. Applicants submit that no new matter is added by the amendment, and that support for the new claims may be found in the originally filed claims and throughout the specification.

Applicants respectfully request that the application now proceed promptly to examination.

A Petition for a one-month extension of time for response is submitted herewith, as well as a Supplemental Information Disclosure Statement. Applicants believe that, aside from the fee for a one-month extension of time for response, no additional fees are